

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10372-WGY
)	
GEORGE KANDIRAKIS)	

DEFENDANT'S MOTION IN LIMINE

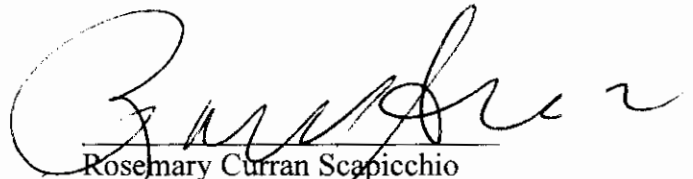
Now comes the defendant, George Kandirakis, and moves that this Court preclude the Government from presenting the following evidence, as it was produced on September 11 and 12, 2005, some of it less than 24 hours prior to trial:

At 5:00 p.m. on Saturday, September 10, Attorney Scapicchio was informed via cell phone for the first time that the government intended to produce transcripts of phone records of Arco, Siciliano, and Kandirakis. These records were hand delivered to counsel on September 11, 2005 sometime in the afternoon. Prior to the arrival of this information, counsel had prepared Kandirakis' defense based upon the premise that no evidence linked Kandirakis to Siciliano, and that the link to Arco post-dated the termination of the conspiracy. In addition, counsel received a fax at her office on Sunday, September 11, 2005 notifying her of the existence of another unidentified co-conspirator whom the government intends to link to Kandirakis as trial.

Every defendant has a right to present a defense, which encompasses the right to prepare for trial. In re Winship 7 Ben. 194, 30 F.Cas. 306D.C.N.Y. 1874. This last minute discovery destroys Kandirakis' 6th Amendment right to notice of the charges against him deprives him of an opportunity to prepare his defense.

Kandirakis is answering ready for trial based on discovery produced pursuant to local Rule 116.3, and urges this court to exclude this late discovery rather than forcing a continuance to allow the government to evade the Local Rules, violating his Constitutional right to a Speedy Trial as well as this court's own Local Rule 112.2 "Excludable Delay Pursuant To The Speedy Trial Act."

Respectfully Submitted,
GEORGE KANDIRAKIS
By His Attorney

A handwritten signature in black ink, appearing to read "Rosemary Curran Scapicchio", written over a horizontal line.

Rosemary Curran Scapicchio
Four Longfellow Place
Suite 3703
Boston, Massachusetts 02114
(617) 263-7400
BBO # 558312